

AMENDMENT NO.130 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 130 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Official Plan Amendment (OPA) is to modify the text of the Burlington Official Plan and add a new Table to implement changes that have been made to the Planning Act resulting from Bill 109, More Homes for Everyone Act, 2022. This amendment would further the overall implementation of the objectives outlined in Part VI of the *Official Plan* to respond to the changing legislation.

Bill 109 has provisions requiring municipalities to refund application fees if decisions are not made within the timelines prescribed by the Planning Act. In addition, Bill 109 made changes to Section 41 of the Planning Act regarding site plan control. The changes included new rules about consultations with municipalities before plans and drawings for site plan are submitted for approval and respecting completeness of site plan applications.

The proposed OPA responds to the Bill 109 changes by updating the City's implementation policies regarding pre-consultation and complete application submission requirements in the *Burlington Official Plan*. The amended policies will ensure the pre-consultation and complete application process for development applications align with the Bill 109 legislation.

2. SITE AND LOCATION

The Official Plan Amendment applies to all lands within the City of Burlington subject to the *Burlington Official Plan*.

3. BASIS FOR THE AMENDMENT

- a) Bill 109, More Homes for Everyone Act, 2022, received Royal Assent on April 14, 2022.
- b) Schedule 5 of the Bill made changes to Sections 17, 34 and 41 of the Planning Act regarding Official Plan amendments, Zoning By-law amendments, and site plan control. These changes include rules for:

- When municipalities are required to refund application fees;
 - Consultations with municipalities before plans and drawings for site plan applications are submitted for approval; and
 - Assessing completeness of site plan applications.
- c) This Official Plan Amendment supports the implementation and monitoring objectives of the City's Official Plan. The amendment ensures that the pre-consultation and complete application process for development applications will align with and achieve the objectives of the Bill 109 legislation.
- d) The Statutory Public Meeting about the Official Plan Amendment will be held on December 6, 2022, including a final recommendation.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

1.1 Preamble Change:

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as described in the following table.

In the "Description of Change" column, text that is **bolded and underlined** is new text to be inserted into the Burlington Official Plan. Text that is crossed out ("~~striketrough~~") is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	Preamble Part VII: Schedules and Tables Complete Applications	Insert the following: <u>This part of the plan also includes a table outlining the list of information and materials that <i>may</i> be required to deem a Planning Act application complete.</u>

1.2 Map Change: None Proposed

1.3 Text Change:

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as described in the following table.

In the “Description of Change” column, text that is **bolded and underlined** is new text to be inserted into the Burlington Official Plan. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	Part VI - Implementation Section 1.3 e) Pre-Consultation	Delete section 1.3 e), as follows: a) City Council shall require that adequate pre-consultation with the City occurs prior to the submission of an application for development, and shall encourage pre-consultation with other affected agencies such as the Region of Halton and Conservation Halton, where appropriate. Within areas subject to the Niagara Escarpment Plan and within areas of Development Control, proponents shall be encouraged to contact the Niagara Escarpment Commission to discuss permitted uses and development criteria.
2.	Part VI - Implementation Section 1.3 f) Additional Information	Delete section 1.3 f), as follows: b) For an application for Official Plan Amendment, Zoning By-law Amendment, plan of subdivision, or consent (other than those consent applications made for the purposes outlined in Part VI, Subsection 4.4 e) of this Plan), City Council may require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information or material required for each application shall be determined by the City and Region of Halton as part of the pre-consultation process. This information may include, but shall not be limited to, the following: (i) Planning justification report for Official Plan Amendment and rezoning applications only (including a Land Use or Major Policy change rationale for Official Plan Amendment applications); (ii) conceptual site plan layout; (iii) storm water/Functional Drainage Report or storm services plan and flood plain delineation; (iv) water & waste water service report;

		<p>(v) — tree inventory and preservation study;</p> <p>(vi) — traffic/transportation impact and/or parking study;</p> <p>(vii) — hydrogeology study/ water budget & hydrology study;</p> <p>(viii) — agricultural impact assessment report;</p> <p>(ix) — market impact study;</p> <p>(x) — financial impact study;</p> <p>(xi) — top of bank demarcation/geotechnical report to identify the stable top of bank;</p> <p>(xii) — environmental evaluation report;</p> <p>(xiii) — noise and vibration study;</p> <p>(xiv) — shadow analysis plan;</p> <p>(xv) — park concept plan;</p> <p>(xvi) — Phase I Environmental Assessment;</p> <p>(xvii) — Phase II Environmental Assessment/Record of Site Condition;</p> <p>(xviii) — land assembly documents;</p> <p>(xix) — height survey of adjacent buildings;</p> <p>(xx) — hydro corridor land use application;</p> <p>(xxi) — sensitive land use report;</p> <p>(xxii) — landfill impact study;</p> <p>(xxiii) — employment/residential needs analysis;</p> <p>(xxiv) — archaeological report;</p> <p>(xxv) — risk study;</p> <p>(xxvi) — utility and telecommunications service report;</p> <p>(xxvii) — heritage impact study.</p>
3.	<p>Part VI - Implementation</p> <p>Section 1.3 g) Qualified Persons and Peer Reviews</p>	<p>Delete section 1.3 g), as follows:</p> <p>e) — All required reports and technical studies shall be carried out by Qualified Persons retained by and at the expense of the applicant. The City may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the City at the applicant's expense. In addition to City requirements, the applicant shall ensure that all additional requirements as set out in the Region of Halton Official Plan are addressed.</p>
4.	<p>Part VI - Implementation</p> <p>Section 1.3 h)</p>	<p>Delete section 1.3 h), as follows:</p> <p>d) — An application for an Official Plan Amendment, Zoning By-law amendment, plan of subdivision or</p>

	Complete Applications	consent will be considered complete under The Planning Act only when the items as determined by the City and Region, as listed in clause f), have been provided, and when the required notice sign referenced in Part VI, Section 7.2 of this Plan has been erected on the property.
5.	Part VI - Implementation Section 1.3 i) Incomplete Applications	Delete section 1.3 i), as follows: e) In the absence of pre-submission consultation between an applicant and the City, and the submission of adequate supporting information or material with an application, City Council may deem an application incomplete and may refuse the application.
6.	Part VI - Implementation Section 1.4 a) Pre-consultation	Insert section 1.4 a), as follows: a) <u><i>Development proponents shall be required to meet with City staff through a formal pre-consultation to obtain the requirements related to complete development applications in advance of their application submission.</i></u>
7.	Part VI - Implementation Section 1.4 b) Required Pre-Consultation	Insert section 1.4 b), as follows: b) <u><i>The City shall require that adequate pre-consultation occurs prior to the submission of a development application and will encourage pre-consultation with other affected agencies, where appropriate. Within areas subject to the Niagara Escarpment Plan and Development Control, proponents will be encouraged to contact the Niagara Escarpment Commission to discuss permitted uses and development criteria.</i></u>
8.	Part VI - Implementation Section 1.4 c) Pre-Application Community Meeting	Insert section 1.4 c), as follows: c) <u><i>The City may require development proponents to hold a community meeting in advance of a formal development application in order to obtain additional information needed to process the development application.</i></u>
9.	Part VI - Implementation	Insert section 1.4 d), as follows:

	Section 1.4 d) Supporting Information / Material	d) <u>For an application for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Site Plan, or Consent, the City shall require the provision of additional supporting information or material in accordance with the applicable Terms of Reference, where applicable, to allow full consideration of the application. The scope of the information or material required for each application shall be determined by the City and affected agencies as part of the pre-consultation process. This information may include, but shall not be limited to, the information contained in Part VII – Table 3 of this Plan.</u>
10.	Part VI - Implementation Section 1.4 e) Qualified Persons and Peer Reviews	Insert section 1.4 e), as follows: e) <u>All required reports and technical studies shall be carried out by qualified persons retained by and at the expense of the applicant. Where appropriate, the City will require a peer review of any report or study by an appropriate public authority or a qualified person retained by the City at the applicant's expense. In addition to City requirements, the applicant shall ensure that all additional requirements as set out in the Region of Halton Official Plan are addressed.</u>
11.	Part VI - Implementation Section 1.4 f) Complete Applications	Insert section 1.4 f), as follows: f) <u>An application for an Official Plan Amendment, Zoning By-law amendment, Plan of Subdivision, Site Plan, or Consent shall be considered complete under The Planning Act only when the information and material as determined by the City and affected agencies in clause d) above, have been provided.</u>
12.	Part VI - Implementation Section 1.4 g) Incomplete Applications	Insert section 1.4 g), as follows: g) <u>In the absence of pre-consultation between an applicant and the City, and/or the absence of adequate supporting information or material required to consider a development application, the City shall deem an application incomplete and may refuse the development application.</u>

13.	<p>Part VI - Implementation</p> <p>Section 7.2 c) (ii) Preliminary Notification</p>	<p>Amend section 7.2 c) (ii), as follows:</p> <p>ii) a preliminary notification of the application for amendment(s) to the Official Plan or Zoning By-law and/or a plan of subdivision, including basic details, <i>may</i> be <u>provided</u> given at least 30 days prior to the Council meeting to consider <u>a recommendation on</u> approval of the proposed amendment(s) and/or subdivision. For site specific amendments and subdivisions the preliminary notification <i>shall</i> be sent by prepaid first class mail or personal service to every owner of land within 120 m of the subject area, within the Urban Planning Area boundary as outlined on Schedule B, and within 300 m of the subject area within the Rural Planning Area boundary as outlined on Schedule C and the North Aldershot Planning Area as outlined on Schedule D, and <i>may</i> be sent to every tenant. For amendments that generally apply to the City, a notice <i>shall</i> be placed in a local newspaper approved by the City Clerk, that has a general circulation in the area.</p>
14.	<p>Part VI - Implementation</p> <p>Section 7.2 c) (iv) Notice of Public Meeting</p>	<p>Amend section 7.2 c) (iv), as follows:</p> <p>iv) notice of a public meeting to inform and obtain comments from the public <i>shall</i> be given at least <u>14 20</u> days prior to the date of the meeting, when a preliminary public notification has been given. When this preliminary public notification has not been given, notice of the public meeting shall be given at least 30 days prior to the date of the meeting. For an Official Plan or Zoning By-law amendment that applies generally to the City, notice of the public meeting <i>shall</i> be placed in the local newspaper.</p> <p>For a site specific amendment or a plan of subdivision, notice of this public meeting <i>shall</i> be placed in a local newspaper and/or sent by mail or personal service to every owner of land within 120 m of the subject area, within the Urban Planning Area boundary as outlined on Schedule B, and within 300 m of the subject area within the Rural Planning Area boundary as outlined on Schedule C and the North Aldershot Planning Area as outlined</p>

		<p>on Schedule D, and <i>may</i> be sent to every tenant and to any parties who have requested notification of any meetings on this particular matter, provided the request is received before notices are issued.</p> <p>Notice of a public meeting <i>shall</i> include, where applicable, information regarding the power of the Ontario <u>Land Tribunal</u> Municipal Board to dismiss an appeal if an appellant has not provided Council with oral submissions at a public meeting or written submissions before a plan is adopted or a by-law is passed;</p>
15.	<p>Part VI - Implementation</p> <p>Section 7.2 c) (v) Statutory Public Meeting</p>	<p>Amend section 7.2 c) (v), as follows:</p> <p>v) at least one public meeting <i>shall</i> be held by the Committee of Council to inform and obtain comments from the public. In the case of a Plan amendment, adequate time may be allowed after the public meeting for staff to analyze all public comments before the staff report and the proposed amendment is dealt with by Council, except in the case of a housekeeping amendment or an amendment for which there is no public interest. No public interest <i>shall</i> be interpreted when no written objections to the proposed amendment are received prior to the public meeting and no verbal objections to the proposed amendment are made at the public meeting. In the case of an <u>Official Plan amendment</u>, Zoning By-law amendment and/or plan of subdivision, or where it is determined that adequate time has been provided for analysis of the comments on an Official Plan Amendment, a decision and recommendation to Council on the approval of the application <i>may</i> be made by the Committee at the meeting, if appropriate.</p>

1.4 Schedules and Tables Change:

Part VII: 'Schedules and Tables' of the Official Plan of the Burlington Planning Area, as amended, is hereby amended by adding the following table as 'Table 3':

Council – Adopted Complete Application Materials
Application Items
Community Planning

Application Form
Application Fee
Response to staff comments received at pre-consultation
Site Plan
Survey and Severance Sketch <ul style="list-style-type: none"> • Prepared by an Ontario Land Surveyor. • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines • Provide title search/PIN report for the lands. • Including copies of any agreements on title to confirm there are no obligations on the lands.
Land Assembly Documents <ul style="list-style-type: none"> • Including application address.
Reference Plans
Floor Plan
Architectural Elevations
Outdoor Storage/Screening Details
Bicycle Rack Details
Fencing Details
AutoCAD File of Site Plan
3-D model of proposed buildings
Common Element Condo Plan (when applicable)
Burlington Urban Design Advisory Panel (BUD) comments <ul style="list-style-type: none"> • Including applicant response to the BUD comments.
Urban design brief
Demonstrating compliance with applicable urban design guidelines and policies
Sustainable Building and Development Guidelines Checklist
Phasing strategy and plans
Demonstrated compliance with the Zoning By-law
Details of any proposed outdoor garbage storage and communal recycling containers <ul style="list-style-type: none"> • Including any screening of the outdoor facilities.
Details of all rooftop mechanical equipment. <ul style="list-style-type: none"> • Rooftop equipment less than 1.2m in height to be painted in a neutral colour to blend in with the building. • Rooftop equipment 1.2m in height or greater shall be screened from view from all sides.
8 ½ x 11 reduced site plan drawing clearly denoting the designated fire access routes for sign designation and record purposes.
Heritage Impact Study
Cultural Heritage Landscape Impact Assessment
Archaeological report
Planning justification report
Including employment or residential needs analysis, where required
Land use compatibility study

Retail and service commercial needs assessment
Financial impact study
Housing impact statement
Park concept plan
Agricultural impact assessment (AIA)
Social impact assessment
Height survey of adjacent buildings
Angular plane study
Shadow analysis plan
Wind impact study
Parking justification report
Landfill assessment
Public Consultation Strategy
Response to comments received at a community meeting held in advance of a formal development application
Comprehensive block plan
Tenant relocation and assistance plan
Environmental Impact Assessment (EIA)
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.
Transportation Services
Transportation Impact Study
Transportation Demand Management Plan and implementation strategy
Pavement Marking and Signage Plan
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.
Landscape / Forestry
Response matrix for previous pre-consultation comments
Landscape Plan <ul style="list-style-type: none"> • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
Landscape Cost Estimate for all works as proposed on the Landscape Plans
Tree Protection Plan in accordance with the City's Tree Protection and Preservation Specification SS12A (as amended) <ul style="list-style-type: none"> • The Tree Protection Plan must be to scale and illustrate the trees inventoried and include existing and proposed elements. This plan shall be coordinated with other civil drawings
Arborists Report <ul style="list-style-type: none"> • Including but not limited to preservation methods and justification for impacts (e.g., removals) with specific details for each individual tree

Tree Inventory
<ul style="list-style-type: none"> The tree inventory shall include all public trees of all sizes, and all private trees 10cm in diameter or greater for the subject lot and with 6m of the lot boundary, DBH, species, ownership, condition ratings, recommendations, tree protection zones, and comments
Letter of consent for removal and/or impact to trees not solely owned by applicant (e.g., boundary trees and/or neighbouring trees).
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.
Engineering Services
Response Matrix for previous pre-consultation comments
Region of Halton Environmental Site Screening Questionnaire
Phase One Environmental Site Assessment, in accordance with O. Reg. 153/04, as amended
Phase Two Environmental Site Assessment, in accordance with O. Reg. 153/04, as amended
Remedial Action Plan
<ul style="list-style-type: none"> Including assessment of the subject lands and any impacted offsite lands
Ministry of the Environment, Conservation and Parks approved Record of Site Condition
Ministry of the Environment, Conservation and Parks approved Certificate of Property Use
Geotechnical Investigation
Hydrogeological Assessment
<ul style="list-style-type: none"> Including assessment water taking activities, in accordance with Ministry of the Environment, Conservation and Parks' requirements
Dewatering Assessment
<ul style="list-style-type: none"> Including groundwater dewatering monitoring and mitigation program for potential settlements Including dewatering discharge plan for both short-term (during construction) and permanent (post-construction) discharge Including a sampling plan to ensure compliance with the City's Storm Sewer Discharge By-Law, as amended.
Functional Servicing and Drainage Report
<ul style="list-style-type: none"> In accordance with City and Region of Halton requirements Including Conceptual Site Servicing and Conceptual Site Grading Plan, which include: <ul style="list-style-type: none"> The location and setbacks of the proposed building and any encroachments. The location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. he location of trees / tree trunks relative to property lines
Stormwater Management Report
Top-of-bank Demarcation/ Slope Stability Assessment/ Creek Erosion Assessment/ Geomorphic Study
Channelization and/or Floodplain Analysis
Shoreline Hazardous Lands Studies
Source Protection Disclosure Report
Environmental Noise & Vibration Feasibility Study
<ul style="list-style-type: none"> In accordance with Ministry of the Environment, Conservation and Parks' guidelines and

<p>City and Region of Halton requirements</p> <ul style="list-style-type: none"> • Including but not limited to an assessment of any existing offsite stationary noise sources/impacts and any necessary mitigation
<p>Detailed Environmental Noise & Vibration Study</p> <ul style="list-style-type: none"> • In accordance with Ministry of the Environment, Conservation and Parks' guidelines and City and Region of Halton requirements • Including but not limited to an assessment of any proposed outdoor mechanical equipment and any necessary mitigation
<p>Shoring System Design Brief</p> <ul style="list-style-type: none"> • Including shoring system drawings and details • Including confirmation that all elements of the underground parking structure (including but not limited to foundation walls, foundation drainage system, shoring system, etc.) are located within the limits of the subject property.
<p>Letter of consent for required encroachments onto lands not solely owned by applicant (e.g., shoring system tie-backs)</p>
<p>Site Servicing Plan</p> <ul style="list-style-type: none"> • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
<p>Site Grading Plan</p> <ul style="list-style-type: none"> • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
<p>Erosion and Sediment Control Plan and Details</p> <ul style="list-style-type: none"> • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
<p>Notes and Details Plan</p> <ul style="list-style-type: none"> • Including City and Region of Halton standard drawings and details, as required
<p>Outdoor Lighting Photometrics Plan and Details</p>
<p>Utility Coordination Plan</p> <ul style="list-style-type: none"> • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
<p>Construction & Mobility Management Plan and details</p>
<p>Written confirmation from the Geotechnical Engineer that they have reviewed the architectural and engineering drawings, including but not limited to those for civil, structural and mechanical works, and confirm that their geotechnical recommendations have been incorporated into the architectural and engineering drawings.</p>
<p>Written confirmation from the Hydrogeologist that they have reviewed the architectural and</p>

engineering drawings, including but not limited to those for civil, structural and mechanical works, and confirm that their hydrogeological recommendations have been incorporated into the architectural and engineering drawings.
Written confirmation from the Hydrogeologist which identifies adjacent structures, services and/or municipal infrastructure located within the zone of influence for groundwater dewatering and any potential settlement which may be considered unacceptable.
Written confirmation from the civil engineering consultant that they have reviewed the architectural, landscape and engineering drawings, including but not limited to those for structural and mechanical works, and confirm that their civil design and recommendations have been incorporated into the architectural, landscape and engineering drawings and do not conflict with the provisions of the other drawings.
Written confirmation by a qualified acoustical consultant that the recommended noise control measures from the approved Detailed Environmental Noise & Vibration Study have been incorporated into the builder's plans.
Written confirmation from a qualified vibration consultant of study limits and locations for vibration monitoring during construction. <ul style="list-style-type: none"> • Including written confirmation from adjacent property owners for vibration monitors that are to be located offsite. • Including written confirmation of completed precondition surveys of surrounding structures, including but not limited to those for buried utilities (e.g. existing watermains, gas mains, storm sewers and sanitary sewers). • Including written acknowledgement that any issues/claims due to construction vibration shall be a civil matter between the developer and the other party.
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.